



Department of Energy

ROCKY FLATS FIELD OFFICE
P.O. BOX 928
GOLDEN, COLORADO 80402-0928

FEB 28 1995



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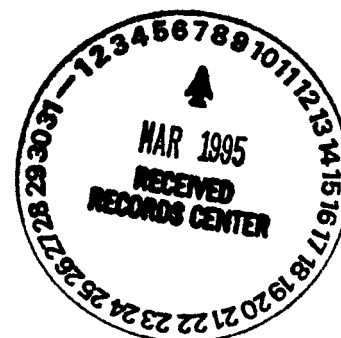
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95-DOE-08183

ADMIN RECORD

Mr. Martin Hestmark
U. S. Environmental Protection Agency, Region VIII
ATTN: Rocky Flats Project Manager, 8HWM-RI
999 18th Street, Suite 500, 8WM-C
Denver, Colorado 80202-2405

Mr. Joe Schieffelin, Unit Leader
Hazardous Waste Facilities
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, Colorado 80222-1530



Gentlemen:

The purpose of this letter is to relay my concern regarding the inability of our agencies to reach resolution on the charter for the Applicable Relevant and Appropriate Requirements (ARARs) working group.

As you recall, we provided you the Draft Master List of Potential ARARs in early November 1994, as per our commitment. The Working Group has met several times since our first meeting on December 1, 1994, and has made significant progress in reviewing the draft master list and identifying those areas of agreement and potential disagreement. Unfortunately, our inability to reach resolution on one aspect of the charter is now jeopardizing the progress made to date.

It has been the belief by the Department of Energy (DOE) that The Working Group charter should include the commitment of the parties to attempt to reach conclusion at the appropriate level of management for those issues for which resolution could not be reached by the working group. The DOE proposed to achieve this by fully incorporating the established dispute resolution process already agreed to in the Interagency Agreement.

In our Working Group meeting of February 2, 1994, it was made clear by the environmental Protection Agency (EPA) and the Colorado Department of Public Health and Environment (CDPHE) that utilizing the complete dispute resolution process was not acceptable. It was also made clear that without a charter which did not include the full dispute resolution process, your further participation in the Working Group would cease.

The DOE committed in that meeting to discuss the matter internally and respond to the Agencies within one week. The DOE responded in less than 24 hours, with a proposed solution thought to be acceptable to all parties. The proposal was that all references to disputing the unresolved issues be removed from the charter, and an addition to the goal section be added, "For any issues which may not be resolved within this work group, the goal is to reach resolution at the appropriate level of management."

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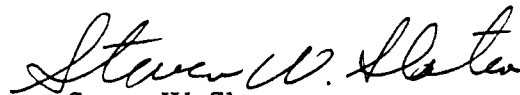
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On February 23, 1995, the EPA responded verbally that the proposal was unacceptable and did not want the charter to include consideration of unresolved issues by management.

It appears that we are at an impasse. Although we have a meeting scheduled for March 2, 1995, and we have working diligently to meet our mutually self imposed goal of March 15, 1995 to reach conclusion, the DOE does not believe that we should expend further resources on the working group without a charter which commits all parties to reach conclusion on all issues.

The DOE welcomes a continued cooperative approach to resolve these issues, but we do not believe that such effort is productive unless all parties commit to work the issues to conclusion through some method. If you have any questions, please call me at (303) 966-4839

Sincerely,



Steven W. Slaten
IAG Project Coordinator
Environmental Restoration

cc:

J. Ahlquist, EM-452, HQ
C. Gesalman, EM-453, HQ
M. Silverman, OOM, RFFO
K. Klein, OOM, RFFO
T. Howell, OCC, RFFO
T. Looby, CDPHE
J. McGraw, EPA
L. Johnson, EPA
P. Ornstein, EPA
J. Staurt, SAIC
L. Brooks, EG&G
D. Ward, EG&G
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